



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND**  
**501<sup>ST</sup> MILITARY INTELLIGENCE BRIGADE**  
**UNIT 15282**  
**APO AP 96205-5282**

JUN 20 2013

IADK-Z

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Brigade Commander's Policy #22 - Limitation on Exercise of Authority to Dispose of Misconduct Involving Sergeants First Class (E-7), Sexual Harassment, and Prohibited Relationships Between Soldiers of Different Ranks

1. References.

- a. Manual for Courts-Martial, United States, 2012 Edition, Rule for Courts-Martial 306
- b. Army Regulation 27-10, Military Justice, 3 October 2011, paragraph 3-7
- c. Eighth United States Army (EUSA) Command Policy Letter #14 – Limitation on Exercise of Authority, dated 23 Nov 11
- d. INSCOM Policy Memorandum #15, Allegations of Misconduct and Investigation Reporting, dated 7 May 12

2. PURPOSE. To reserve for the Brigade Commander, 501st Military Intelligence Brigade, the authority to determine the final disposition of offenses in those cases involving Sergeants First Class (E-7), allegations of prohibited relationships between Soldiers of different ranks, and allegations of sexual harassment. This reservation includes the authority to issue reprimands, administer non-judicial punishment under Article 15, Uniform Code of Military Justice, and convene courts-martial.

3. SUMMARY. Reference (a) permits superior commanders to withhold from subordinate commanders the authority to determine final disposition of offenses in individual cases, types of cases, or generally. I hereby withhold the authority to dispose of all alleged misconduct committed by individuals in the rank of Sergeant First Class (E7) assigned or attached to this brigade from subordinate commanders and supervisors. Additionally, I hereby withhold the authority to dispose of all alleged misconduct involving prohibited relationships between Soldiers of different ranks and/or sexual harassment from subordinate commanders and supervisors.

4. SPECIFICS.

- a. Exceptions to this policy may be requested on a case-by-case basis. Requests for exceptions to this policy will be submitted to me through the Brigade Legal office and will include a complete factual summary of the allegation and the proposed course of action.

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b. No later than 24 hours following receipt of any credible information of alleged misconduct committed by Sergeants First Class (E7), alleged misconduct involving prohibited relationships between Soldiers of different ranks, or alleged misconduct involving sexual harassment, all Commanders or their designated representative must provide a 5W report to the Brigade Command Group and Brigade Legal.


c. For allegations involving prohibited relationships between Soldiers of different ranks or sexual harassment, all Commanders or their designated representative will prepare a Memorandum for Record stating the nature of the allegation, and the name of the alleged offender. For those cases in which no formal adverse action is taken against the alleged offender, this MFR will also include the corrective action taken by lower level leadership. At a minimum all alleged offenders will be counseled regarding the allegations using a DA Form 4856. This memorandum will be retained in alleged offender's counseling file. A copy of the memorandum will also be sent to the Brigade Legal Office. However this policy should not be interpreted to take the authority of leaders to handle such incidents at the lowest possible level.

d. All command investigations conducted under AR 15-6 into allegations of prohibited relationships between Soldiers of different ranks or sexual harassment will be appointed by the Brigade Commander. The investigating officer in these cases will be from outside the battalion of the Soldiers being investigated.

e. This policy does not withhold authority of any level of commander to prefer charges in accordance with Rule for Courts-Martial 307.

f. This policy applies to actions currently under investigation, pending, or contemplated. It will remain in effect until formally rescinded.

5. Point of contact for this policy is the Brigade Command Judge Advocate at DSN 723-6040.

  
JASON A. CHUNG  
COL, MI  
Commanding

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